

## **REMARKS**

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 1, 2, 4-7 and 9-10 are before the Examiner. Claims 3 and 8 have been canceled and the subject matter of each of these claims have been included in claims 1 and 6, respectively. Claims 4 and 7 have been amended to reflect the necessary change in dependency and to address issues raised in the Office Action. Claims 2 and 7 have also been amended to address points raised in the outstanding Action. Support for these amendatory changes is discussed below.

The drawings have been amended to reflect the presence of the chain wheel, the steps or pallets and the driving motor. The specification will be amended to incorporate reference numbers, if desired by the Examiner. Support for the placement of the requested claim elements appear throughout the specification, in particular note paragraphs 16-18 of the instant specification along with Figures 1 and 2.

In reviewing the initialed PTO-1449 from enclosed with the outstanding Office Action, a typo was discovered and corrected. The examiner is respectfully requested to initial the corrected copy and to return it with the next Office correspondence.

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Claims 2, 4, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claims 2 and 7 have been amended to more clearly state the function of the gear, which is evident from the specification and the figures. Express support for "power divider" appears throughout the specification in particular note paragraph 14. The specification teaches obtaining "irregularity" by means of a gear pair. "[D]istributor gear" may have resulted from a translation choice. What was meant is a normal reducing gear. This would be understood by a "skilled person". It could be translated as "transfer box" or "gear box". The function "power divider" is shown in the description of figure 1'. Power divider 1 and gear 1' have the same technical function. The claims have been amended to reflect the intended meaning.

Claims 4 and 9 have been amended to clarify the relationship of the chain wheel and the device, a "combination". The chain wheel is part of the device and is connected to the chain wheel shaft. See U.S. 4,775,044 for background.

In light of the amendments to the claims 2, 4, 7 and 9, withdrawal of the rejection is respectfully requested.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by German documents number 199 36 742 A1. Applicants traverse.

German documents number 199 36 742 A1 ('742 document) does not show a drive device for escalators or moving walkways as required by the claim. The '742 documents rather shows a

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drive device for a drawing machine for tubes, rods or the like. Note chain wheel 13 and a chain 14. The chain wheel 13 is driven by a gearing, which does not compare with the driving gear (power divider) of the instant application. The '742 driving gear includes a cam drive 10, 20, consisting of non-circular cams 1, 3, 21, 23. No gears are present. Via part 14 the rotational displacement produced by the non-circular cams reduces the polygonal effect between the chain wheel 13 and the chain 14. It is clear from the figures that this solution is not similar to the one provided by the instant application. Defined are rolling circles of the cams 1, 3, 21, 23 which may be similar to pitch circles of gears. But the invention here is not directed to the pitch circle but rather to the first and second gear assembly where each gear has variable reference diameters, which fluctuate in a circumferential direction between a minimum value and a maximum value. It is clear that each and every element required by the claims are not taught. There is no anticipation. Withdrawal of the rejection is respectfully requested.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nurnberg et al. (U.S. Patent No. 5,224, 580). Applicants traverse.

Nurnberg discloses a power transmission system for a passenger conveyor where a reducing gear works together with at least one electric motor. See figures. Several gears work to reduce the incoming rotational speed of the motor to the speed necessary for driving the chain wheel of the steps or pallets. A separate drive for the hand rails is positioned in the area of one single gear 74. The reference diameter of all gears involved is constant in contrast to that claimed. There is no mention of a structure which compensates for the polygonal effect.

Since each and every element of the claim is not taught, there is no anticipation.

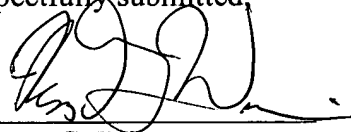
Withdrawal of the rejection is respectfully requested.

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In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. G. Wiseman', written over a horizontal line.

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